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MINNEAPOLIS MN 55402-0903

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SEP 25 2008

In re Application of :  
Wong et al. : DECISION ON  
Application No. 09/652,360 : APPLICATION FOR  
Filed: August 31, 2000 : PATENT TERM ADJUSTMENT  
Atty Docket No. 14917.1119USU1:  
/MS150704.3 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(B)," filed June 19, 2008. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from six hundred forty-four (644) days to seven hundred sixty-one (761) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is seven hundred sixty-one (**761**) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On March 19, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 644 days. On June 19, 2008, applicants timely submitted the instant application for patent term adjustment<sup>1</sup>. Applicants contend that the patent term should be increased by 150 days, the time in excess of the permitted four month maximum time that lapsed between the filing of a Request for Continued Examination on July 21, 2004 and receipt of a Non-final Office

<sup>1</sup> PALM records indicate that the Issue Fee payment was also received on June 19, 2008.

on April 20, 2005. In addition, applicants disclose that the patent term should be decreased by 33 days, due to an extension taken to respond on March 4, 2008 to the October 31, 2007 final Office action.

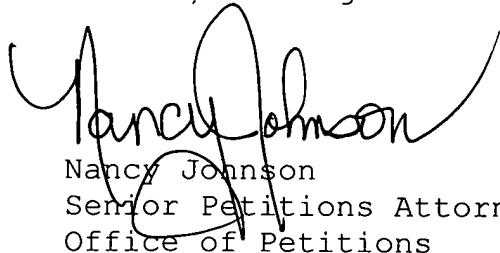
A review of the application history reveals that applicants are correct. The Office did not mail a notice of allowance in response to the request for continued examination filed July 21, 2004, until April 20, 2005, four months and 150 days later. Pursuant to 37 CFR 1.702(a)(2), a period of adjustment of 150 days is properly entered for Office delay. In addition, Applicants did not file a proper reply to the final Office action mailed October 31, 2007 until March 4, 2008, three months and 33 days later. Pursuant to 37 CFR 1.704(b), a period of reduction of 33 days is properly entered for applicant delay.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is seven hundred sixty-one (761) days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Updated PALM Screen

# PALM INTRANET

| PTA Calculations for Application: 09/652360 |            |   |                         |     |      |       |
|---|------------|---|-------------------------|-----|------|-------|
| Application Filing Date:                    |            | 08/31/2000  | PTO Delay (PTO):        |     | 762  |       |
| Issue Date of Patent:                       |            |   | Three Years:            |     | 0    |       |
| Pre-Issue Petitions:                        |            | 0   | Applicant Delay (APPL): |     | 118  |       |
| Post-Issue Petitions:                       |            | 0   | Total PTA (days):       |     | 761  |       |
| PTO Delay Adjustment:                       |            | 117   |                         |     |      |       |
| File Contents History                       |            |   |                         |     |      |       |
| Number                                      | Date       | Contents Description  |                         | PTO | APPL | START |
| 110   | 09/21/2008 | ADJUSTMENT OF PTA CALCULATION BY PTO                          |                         |     | 33   |       |
| 109   | 09/21/2008 | ADJUSTMENT OF PTA CALCULATION BY PTO                          |                         | 150 |      |       |
| 98  | 03/19/2008 | MAIL NOTICE OF ALLOWANCE                                      |                         |     |      |       |
| 97  | 03/17/2008 | ISSUE REVISION COMPLETED                                      |                         |     |      |       |
| 94  | 03/11/2008 | NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED               |                         |     |      |       |
| 93  | 03/11/2008 | DOCUMENT VERIFICATION   |                         |     |      |       |
| 92  | 03/11/2008 | ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING |                         |     |      |       |
| 91  | 03/11/2008 | EXAMINER'S AMENDMENT COMMUNICATION                            |                         |     |      |       |
| 90  | 03/11/2008 | NOTICE OF ALLOWABILITY  |                         |     |      |       |
| 89  | 03/10/2008 | DATE FORWARDED TO EXAMINER                                    |                         |     |      |       |
| 88  | 03/04/2008 | AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE            |                         |     |      |       |
| 87  | 03/10/2008 | DATE FORWARDED TO EXAMINER                                    |                         |     |      |       |
| 86  | 03/04/2008 | REQUEST FOR CONTINUED EXAMINATION (RCE)                       |                         |     |      |       |
| 85  | 03/10/2008 | DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)       |                         |     |      |       |
| 84  | 03/04/2008 | REQUEST FOR EXTENSION OF TIME - GRANTED                       |                         |     |      |       |
| 83  | 03/04/2008 | WORKFLOW - REQUEST FOR RCE - BEGIN                            |                         |     |      |       |
| 82  | 01/17/2007 | EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)                |                         |     |      |       |
| 81  | 10/31/2007 | MAIL FINAL REJECTION (PTOL - 326)                             |                         |     |      |       |
| 80  | 10/29/2007 | FINAL REJECTION   |                         |     |      |       |
| 79  | 08/20/2007 | DATE FORWARDED TO EXAMINER                                    |                         |     |      |       |
| 78  | 08/17/2007 | RESPONSE AFTER NON-FINAL ACTION                               |                         | 31  | 74   |       |

|    |            |   |  |    |    |
|----|------------|---|--|----|----|
| 77 | 08/17/2007 | REQUEST FOR EXTENSION OF TIME - GRANTED                 |  |    |    |
| 76 | 06/25/2007 | MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)            |  |    |    |
| 75 | 06/20/2007 | EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)          |  |    |    |
| 74 | 04/17/2007 | MAIL NON-FINAL REJECTION                                |  |    |    |
| 73 | 04/13/2007 | NON-FINAL REJECTION                                     |  |    |    |
| 72 | 04/06/2007 | CORRESPONDENCE ADDRESS CHANGE                           |  |    |    |
| 71 | 03/16/2007 | CORRESPONDENCE ADDRESS CHANGE                           |  |    |    |
| 70 | 02/16/2007 | DATE FORWARDED TO EXAMINER                              |  |    |    |
| 69 | 02/05/2007 | AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE      |  |    |    |
| 68 | 02/16/2007 | DATE FORWARDED TO EXAMINER                              |  |    |    |
| 67 | 02/05/2007 | REQUEST FOR CONTINUED EXAMINATION (RCE)                 |  | 31 | 55 |
| 66 | 02/16/2007 | DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA) |  |    |    |
| 65 | 02/05/2007 | REQUEST FOR EXTENSION OF TIME - GRANTED                 |  |    |    |
| 64 | 02/05/2007 | WORKFLOW - REQUEST FOR RCE - BEGIN                      |  |    |    |
| 63 | 01/18/2007 | MAIL ADVISORY ACTION (PTOL - 303)                       |  |    |    |
| 62 | 01/16/2007 | ADVISORY ACTION (PTOL-303)                              |  |    |    |
| 61 | 01/09/2007 | DATE FORWARDED TO EXAMINER                              |  |    |    |
| 60 | 01/05/2007 | AMENDMENT AFTER FINAL REJECTION                         |  |    |    |
| 57 | 12/14/2006 | MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)            |  |    |    |
| 56 | 12/07/2006 | EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)          |  |    |    |
| 55 | 10/05/2006 | MAIL FINAL REJECTION (PTOL - 326)                       |  |    |    |
| 54 | 09/29/2006 | FINAL REJECTION   |  |    |    |
| 53 | 06/28/2006 | EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)          |  |    |    |
| 52 | 07/27/2006 | DATE FORWARDED TO EXAMINER                              |  |    |    |
| 51 | 07/14/2006 | RESPONSE AFTER NON-FINAL ACTION                         |  |    |    |
| 50 | 04/14/2006 | MAIL NON-FINAL REJECTION                                |  |    |    |
| 49 | 04/14/2006 | NON-FINAL REJECTION                                     |  |    |    |
| 48 | 03/27/2006 | CASE DOCKETED TO EXAMINER IN GAU                        |  |    |    |
| 47 | 03/23/2006 | CASE DOCKETED TO EXAMINER IN GAU                        |  |    |    |
| 46 | 03/01/2006 | DATE FORWARDED TO EXAMINER                              |  |    |    |

|    |            |  |  |    |    |
|----|------------|--|--|----|----|
| 45 | 02/09/2006 | AMENDMENT SUBMITTED/ENTERED WITH<br>FILING OF CPA/RCE      |  |    |    |
| 44 | 03/01/2006 | DATE FORWARDED TO EXAMINER                                 |  |    |    |
| 43 | 02/09/2006 | REQUEST FOR CONTINUED EXAMINATION<br>(RCE)                 |  |    |    |
| 42 | 03/01/2006 | DISPOSAL FOR A RCE/CPA/129 (EXPRESS<br>ABANDONMENT IF CPA) |  |    |    |
| 41 | 02/09/2006 | WORKFLOW - REQUEST FOR RCE - BEGIN                         |  |    |    |
| 40 | 01/03/2006 | MAIL EXAMINER INTERVIEW SUMMARY (PTOL<br>- 413)            |  |    |    |
| 39 | 11/13/2003 | EXAMINER INTERVIEW SUMMARY RECORD<br>(PTOL - 413)          |  |    |    |
| 38 | 11/23/2005 | MAIL FINAL REJECTION (PTOL - 326)                          |  |    |    |
| 37 | 11/18/2005 | FINAL REJECTION  |  |    |    |
| 36 | 11/09/2005 | CORRESPONDENCE ADDRESS CHANGE                              |  |    |    |
| 35 | 11/09/2005 | CHANGE IN POWER OF ATTORNEY (MAY<br>INCLUDE ASSOCIATE POA) |  |    |    |
| 34 | 09/23/2005 | IFW TSS PROCESSING BY TECH CENTER<br>COMPLETE              |  |    |    |
| 33 | 09/23/2005 | DATE FORWARDED TO EXAMINER                                 |  |    |    |
| 32 | 09/14/2005 | RESPONSE AFTER NON-FINAL ACTION                            |  | 56 | 30 |
| 31 | 09/14/2005 | REQUEST FOR EXTENSION OF TIME - GRANTED                    |  |    |    |
| 30 | 04/20/2005 | MAIL NON-FINAL REJECTION                                   |  |    |    |
| 29 | 04/15/2005 | NON-FINAL REJECTION  |  |    |    |
| 28 | 01/26/2005 | DATE FORWARDED TO EXAMINER                                 |  |    |    |
| 27 | 07/21/2004 | AMENDMENT SUBMITTED/ENTERED WITH<br>FILING OF CPA/RCE      |  |    |    |
| 26 | 01/26/2005 | DATE FORWARDED TO EXAMINER                                 |  |    |    |
| 25 | 07/21/2004 | REQUEST FOR CONTINUED EXAMINATION<br>(RCE)                 |  |    |    |
| 24 | 01/26/2005 | DISPOSAL FOR A RCE/CPA/129 (EXPRESS<br>ABANDONMENT IF CPA) |  |    |    |
| 23 | 01/18/2005 | FILE MARKED FOUND  |  |    |    |
| 22 | 10/27/2004 | CORRESPONDENCE ADDRESS CHANGE                              |  |    |    |
| 21 | 10/12/2004 | FILE MARKED LOST   |  |    |    |
| 20 | 07/21/2004 | WORKFLOW INCOMING AMENDMENT IFW                            |  |    |    |
| 19 | 07/21/2004 | WORKFLOW - REQUEST FOR RCE - BEGIN                         |  |    |    |
| 18 | 07/14/2004 | CASE DOCKETED TO EXAMINER IN GAU                           |  |    |    |
| 17 | 06/14/2004 | EXAMINER INTERVIEW SUMMARY RECORD                          |  |    |    |

|    |            |  |     |  |    |
|----|------------|--|-----|--|----|
|    |            | (PTOL - 413)                                       |     |  |    |
| 16 | 05/21/2004 | MAIL FINAL REJECTION (PTOL - 326)                  |     |  |    |
| 15 | 05/20/2004 | FINAL REJECTION                                    |     |  |    |
| 14 | 05/13/2004 | DATE FORWARDED TO EXAMINER                         |     |  |    |
| 13 | 04/28/2004 | RESPONSE AFTER NON-FINAL ACTION                    |     |  |    |
| 12 | 04/28/2004 | OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL) |     |  |    |
| 11 | 04/29/2004 | WORKFLOW INCOMING AMENDMENT IFW                    |     |  |    |
| 10 | 02/24/2004 | MAIL SUPPLEMENTAL NON-FINAL ACTION                 |     |  |    |
| 9  | 02/17/2004 | SUPPLEMENTAL NON-FINAL ACTION                      |     |  |    |
| 8  | 12/02/2003 | MAIL NON-FINAL REJECTION                           | 762 |  | -1 |
| 7  | 11/28/2003 | NON-FINAL REJECTION                                |     |  |    |
| 6  | 10/15/2003 | CASE DOCKETED TO EXAMINER IN GAU                   |     |  |    |
| 5  | 12/21/2000 | CASE DOCKETED TO EXAMINER IN GAU                   |     |  |    |
| 4  | 10/16/2000 | APPLICATION DISPATCHED FROM OIPE                   |     |  |    |
| 3  | 10/13/2000 | CORRESPONDENCE ADDRESS CHANGE                      |     |  |    |
| 2  | 09/20/2000 | IFW SCAN & PACR AUTO SECURITY REVIEW               |     |  |    |
| 1  | 08/31/2000 | INITIAL EXAM TEAM NN                               |     |  |    |

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**EXPLANATION OF PTA CALCULATION**

**EXPLANATION OF PTE CALCULATION**

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